

Amendment Under 37 C.F.R. § 1.111  
Serial No. 10/772,469  
Sughrue Ref: Q79675

### **REMARKS**

#### ***Formal Matters***

Applicant respectfully requests the Examiner to acknowledge the claim for foreign priority confirm receipt of the priority document. The priority document was filed in parent application 09/283,998, now U.S. Patent No. 6,712,636. Acknowledgement of the claim for foreign priority and confirmation of receipt thereof is respectfully requested.

Claims 7-20 are all the claims pending in the application. Claims 7 and 15 are independent claims.

#### ***Rejection Under 35 U.S.C. § 102***

Claims 7-20<sup>1</sup> are rejected under 35 U.S.C. § 102(b) as being anticipated by Wayt et al. (US 5,910,027). Applicant respectfully traverses this rejection.

#### ***Claim 7***

With respect to independent claim 7, Applicant respectfully requests that the Examiner withdraw the rejection at least because Wayt does not teach all of the claim's recitations. For example, Wayt does not teach the claimed connector arrangement having a first connector including a flexible arm disposed thereon, and a second connector including an arm guide member disposed on an inner surface thereof, wherein the elasticity of said flexible arm and the inclination angle of said push-out guide surface are set such that said push-out force generated

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<sup>1</sup> Although the Office Action indicates that Claims 1-6 are rejected, these claims were canceled in the preliminary amendment filed February 6, 2004.

thereby is greater than contact resistance caused by mutual connection between male- and female-type terminals respectively held within their associated connectors.

Wayt discloses a connection device having a first electrical connector 12, a second electrical connector 14, and a locking member 16 with beams 48 with projections 70. *See* Wayt at, e.g., Fig. 1. When the first and second connectors are latched together, the locking member 16 is slidably received by the first connector so that projections 70 of the beams 48 contact with the ramps 76 of locking detents 74 provided on the second electrical connector 14. *See* Wayt at Fig. 6-8.

According to the rejection, it is the Examiner's position that a beam 48 of Wayt's locking member 16 corresponds to the recited "flexible arm." However, Wayt's beam 48 cannot correspond to the recited "flexible arm" at least because it is not disposed on the first electrical connector 12. Instead the beams 48 extend from the locking member 16, which is separate and distinct from the first electrical connector 12.

Furthermore, it appears to be the Examiner's position that the force of the beams 48 against the ramps 76 "is greater than contact resistance caused by mutual connection between male- and female-type terminals respectively held within their associated connectors." However, there is no disclosure in Wayt that the locking member 16 inherently<sup>2</sup>, or necessarily, generates

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<sup>2</sup> See MPEP § 2112: The fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic. *In re Rijckaert*, 9 F.3d 1531, 1534, 28 USPQ2d 1955, 1957 (Fed. Cir. 1993) (reversed rejection because inherency was based on what would result due to optimization of conditions, not what was necessarily present in the prior art); *In re Oelrich*, 666 F.2d 578, 581-82, 212 USPQ 323, 326 (CCPA 1981). "To establish inherency, the extrinsic evidence 'must make clear that the missing descriptive matter is necessarily

...(footnote continued)

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a push-out force that "is greater than contact resistance caused by mutual connection between male- and female-type terminals respectively held within their associated connectors."

Although, the push-out force provided between the beams 48 against the ramps 76 could theoretically be either greater than or less than the contact resistance caused by the connection of male and female terminals, any assertion by the Examiner that this claimed feature is anticipated by Wayt is inappropriate because, although the structure of the beams 48 against the ramps 76 may provide a force, the structure does not inherently, or necessarily, provide a push-out force that is greater than the contact resistance.

Although some prior art connectors have used compressive springs to provide this push-out force, there is no teaching or suggestion of a connector that provides this function using a flexible arm that is disposed on a connector. The claimed invention provides a simplified connector device with a decreased manufacturing cost, a reduced number of parts, and a reduced number of assembly steps (Specification, page 6, line 22-page 7, line 3).

As such, Applicant requests that the Examiner withdraw the rejection of independent claim 7.

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present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient.' " *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999) (citations omitted) (The claims were drawn to a disposable diaper having three fastening elements. The reference disclosed two fastening elements that could perform the same function as the three fastening elements in the claims. The court construed the claims to require three separate elements and held that the reference did not disclose a separate third fastening element, either expressly or inherently.).

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***Claims 8-20***

With respect to claims 8-14, Applicant respectfully requests that the Examiner withdraw rejection at least because of their dependency from claim 7.

In addition, Applicant requests the Examiner to withdraw the rejection of independent claim 15 at least because Wayt does not teach the claimed connector arrangement having a first connector including a flexible arm disposed thereon, and a second connector including an arm guide member disposed on an inner surface thereof, wherein the elasticity of said flexible arm and the inclination angle of said push-out guide surface are set such that said push-out force generated thereby is greater than contact resistance caused by mutual connection between male- and female-type terminals respectively held within their associated connectors, as is discussed above with respect to claim 7.

With respect to claims 16-20, Applicant respectfully requests that the Examiner withdraw the rejection at least because of their dependency from claim 15.

***New Claims***

In addition, Applicant has added new dependent claims 21 and 22, which recite that “said flexible arm extends from said first connector” and depend from independent claims 7 and 15. Applicant requests the Examiner allow these new claims at least because of their dependency from independent claims 7 and 15.

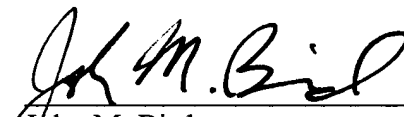
In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

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Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

  
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WASHINGTON OFFICE

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CUSTOMER NUMBER

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